

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD LAMAR WADE,

Plaintiff,

v.

GAT-AIRLINE GROUND SUPPORT,

Defendant.

No. 2:22-cv-2194-KJM-KJN (PS)

FINDINGS AND RECOMMENDATIONS TO  
DISMISS WITHOUT PREJUDICE FOR  
FAILURE TO PROSECUTE

Plaintiff filed this action on December 9, 2022, and requested leave to proceed in forma pauperis (IFP). (ECF Nos. 1, 2.) On May 18, 2023, the court granted plaintiff's IFP request and issued an order directing service. (ECF No. 3.) The clerk's office attempted to serve the order and submission documents on plaintiff at the address provided by mail, but on June 26, 2023, the order and submission documents were returned as undeliverable.

Under Local Rule 183(b), a party appearing pro se must keep the court advised as to his or her current address. If mail directed to a pro se plaintiff by the clerk is returned, and the plaintiff fails to advise the court of a current address within sixty-three (63) days, the court may dismiss the action without prejudice for failure to prosecute. L.R. 183(b). Here, plaintiff was to notify the court of any change of address by September 5, 2023, i.e., within sixty-three (63) days of the court's June 26, 2023 order. Because that date passed and plaintiff has not notified the court of a current address, the court recommends that plaintiff's claims be dismissed without prejudice.


**FINDINGS AND RECOMMENDATIONS**

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's claims be DISMISSED without prejudice under Local Rule 183(b); and
2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served on all parties and filed with the court within fourteen (14) days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

Dated: October 16, 2023

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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